MINUTES OF THE PRIVATE PROTECTIVE SERVICES BOARD MEETING AUGUST 15, 2008 HOLIDAY INN ASHEVILLE AIRPORT 550 AIRPORT ROAD FLETCHER, NORTH CAROLINA 28731

#### **BOARD MEMBER PRESENT**

**BOARD MEMBER ABSENT** Sally Pleasant Richard Jenkins

Megann Marsalis

James Stevens Bill Booth Berkley Blanks **David Grimes** David Pendry Brenda Bishop Ron Burris Jimmy Ashe Mack Donaldson Steve Johnson Richard Allen

#### STAFF PRESENT

Phillip Stevenson - Investigator Terry Wright – Director Charlie Branch - Investigator Charles McDarris – Attorney Susan Harrison – Licensing Assistant

Larry Liggins – Field Services Supervisor

Tim Pressley – Training Officer

Scott Siano

#### **GUEST PRESENT**

Larry Flannery Monty Clark Stephen Ciliberti Ruth Reynolds Craig Colegrove David Ferrell Tim McIntyre David Arndt Michael J. Michniewicz Sybil Richards **Brad Smith** Tom Rose

Jeff Kiker

Chairman Blanks called the August 15, 2008 Private Protective Services Board meeting to order at 9:00 a.m. Mr. Blanks welcomed all guest and requested they introduce themselves. Mr. Blanks requested all phones and pagers be turned off during the meeting.

Attorney Charles McDarris explained the State Ethics Law, signed by Governor Easley, which addresses the ethics of public officials. This law states that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

Mr. Blanks advised that the Board would be electing officers for 2008-2009 today. He thanked the Board for allowing him to serve for the past two years as their Chairman, as well as thanked them for all of the hard work they had accomplished during this time and advised he feels this Board will continue to grow in a positive manner for the betterment of the industry in the future.

Mr. Blanks called for the election of officers for 2008-2009. Mr. McDarris reminded the Board members that at a pervious meeting, the Board voted to have an open vote process for these elections by a show of hands or voice vote, they may also use the ballot vote which would be maintained in the Administrative Office should they choose to. The Board decided for the show of hands voting.

Nominations were taken for Board Chairman. Mr. Pendry nominated Mr. Allen. Seconded by Mr. Ashe.

### MOTION BY MR. BLANKS TO CLOSE THE NOMINATIONS. SECONDED BY, MR. GRIMES. MOTION CARRIED.

Mr. Allen was elected Chairman of the Board by a unanimous vote.

Nominations were taken for Vice Chairman. Mr. Grimes nominated Mr. Stevens. Seconded by Mr. Johnson.

### MOTION BY MR. BLANKS TO CLOSE THE NOMINATIONS. SECONDED BY, MR. GRIMES. MOTION CARRIED.

Mr. Stevens was elected Vice Chairman by a unanimous vote.

Nominations were taken for Screening Committee Chairman. Mr. Blanks nominated Ms. Bishop. Seconded by Mr. Grimes.

### MOTION BY MR. DONALDSON TO, CLOSE THE NOMINATIONS. SECONDED BY MR. STEVENS. MOTION CARRIED.

Ms. Bishop was elected Chairman of the Screening Committee by a unanimous vote.

Nominations were taken for Grievance Committee Chairman. Mr. Stevens nominated Mr. Grimes. Seconded by Mr. Johnson.

### MOTION BY MR. BLANKS TO, CLOSE THE NOMINATIONS. SECONDED BY, MR. JOHNSON. MOTION CARRIED.

Mr. Grimes was elected Chairman of the Grievance Committee by a unanimous vote.

Nominations were taken for Legislative/74C-Re-write Committee Chairman. Mr. Pendry nominated Judge Burris. Seconded by Mr. Grimes.

### MOTION BY MR. PENDRY TO, CLOSE THE NOMINATIONS. SECONDED BY MR. GRIMES. MOTION CARRIED.

Judge Burris was elected Chairman of the Legislative/74C-Re-write Committee by unanimous vote.

Nominations were taken for Finance Committee Chairman. Ms. Bishop nominated Mr. Blanks. Seconded by Mr. Pendry.

### MOTION BY MR. JOHNSON TO CLOSE THE NOMINATIONS. SECONDED BY MR. GRIMES. MOTION CARRIED.

Mr. Blanks was elected Chairman of the Finance Committee by unanimous vote.

Nominations were taken for Training and Education Committee Chairman. Mr. Johnson nominated Mr. Stevens. Seconded by Mr. Booth.

### MOTION BY MR. JOHNSON TO CLOSE THE NOMINATIONS. SECONDED BY MR. BLANKS. MOTION CARRIED.

Mr. Stevens was elected Chairman of the Training and Education Committee by unanimous vote.

Mr. McDarris turned the meeting over to the new Chairman, Mr. Allen. Mr. Allen thanked the Board for the vote of confidence and pledged to continue the good work of the Board.

#### **GOOD OF THE ORDER:**

Mr. Monty Clark, President of NCAPI congratulated the new Chairman and other members of the PPS Board and stated the Association would continue to work with the Board in the future.

Mr. Clark addressed the Board regarding his actions on Thursday during the committee meetings. Mr. Clark apologized to Mr. Stevens for his conduct during the meeting. The Board accepted Mr. Clark's apology.

Mr. Clark advised the Association would hold their next meeting in Hickory at the Holiday Inn. The Association will have another meeting next April when the PPS Board meets at Sea Trail. Mr. Clark advised the Association will hold their elections in January 2009 at which time he will step down as President, however, he will continue to be an active member and will continue to attend these meetings and will continue to work with the Board.

#### APPROVAL OF THE JUNE 20, 2008 MEETING MINUTES:

### MOTION BY MS. BISHOP TO APPROVE THE MINUTES AS PRESENTED . SECONDED BY MR. BURRIS MOTION CARRIED.

#### **SCREENING COMMITTEE REPORT:**

Mr. Allen passed the report to the new Screening Chairperson, Mrs. Bishop to present the report. Mrs. Bishop reported the Screening Committee met on Thursday August 14, 2008 from 8:05 a.m. until 12:15 p.m. to review a total of 55 applications with 8 other request which were added on. (See report). Committee members were, Mr. Allen, Mr. Pendry, Mrs. Bishop and Sheriff Jimmy Ashe. Mrs. Sally Pleasant was not present. Mrs. Bishop read the entire report for the record, due to the fact the computer was not working for the committee meetings.

The following eight items were discussed by the Committee with the following recommendations which will not show in the master report.

- 56. Ross Stutts Additional hours for his Private Investigator Associate Application. Screening recommended 800 additional credit hours. Accepted by the Board.
- 57. Mark Pate Renewal of Private Investigator License. Grant renewal with a letter of warning for failing to report charges of a criminal record. Accepted by the Board.
- 58. Meredith Harmon Application For PI License. Defer until the October Board Meeting for Ms. Harmon to obtain the required affidavits reference her experience. Accepted by the Board.
- 59. John Powell Renewal of Security Guard & Patrol License. Grant the renewal with a letter of warning for failing to maintain the proper insurance. Accepted by the Board.
- 60. Sammy Dillon Renewal of Security Guard & Patrol License. Grant the renewal with a letter of warning for failing to maintain the proper insurance. Accepted by the Board.

- 61. Carolyn Melvin Renewal of Private Investigator License Grant the renewal with a letter of warning for failing to maintain the proper insurance. Accepted by the Board.
- 62. Gordon Coleman Renewal of Security Guard & Patrol License. Grant the renewal with a letter of warning for failing to maintain the required insurance. Accepted by the Board.
- 63. Donald Harris Renewal of Private Investigator License. Grant the renewal. Accepted by the Board.

All cases were read into the record by Mrs. Bishop. Due to computer problems, the members were not provided a written copy of the report for consideration, therefore, Mr. McDarris advised if there was a need for any member to recuse themselves, this will be corrected at the next meeting.

Mrs. Bishop presented the following registration report for the period of June 16, 2008 through August 12, 2008. Total registrations 3,756; armed totals were 522 of which 222 were new, 293 were renewals, 4 were duplicates and 33 reissue/dual. Unarmed totals were 3,202 which include 1,597 new, 1,489 renewals, 106 transfer and 10 duplicates. Total denials 779 of which 160 for cause and 610 for correctable. There were 461 applications approved which were previously denied for a total of 1240 denials reviewed.

### MOTION BY MR. BLANKS TO ACCEPT THE SCREENING COMMITTEE REPORT. SECONDED BY MR. GRIMES, MOTION CARRIED.

#### **GRIEVANCE COMMITTEE REPORT:**

Mr. Grimes reported the committee met on Wednesday August 13, 2008 from 9:05 a.m. until 10:15 a.m. and from 1:00 p.m. until 3:15 p.m.to hear a total of twelve cases. The committee members were Mr. Grimes, Mr. Stevens, Mr. Booth and Mr. Donaldson. Mr. Jenkins was absent. Mr. Grimes presented the attached report. (See attachment)

All cases were read into the record by Mr. Grimes. Due to computer problems, the members were not provided a written copy of the report for consideration, therefore, Mr. McDarris advised if there was a need for any member to recuse themselves, this will be corrected at the next meeting.

MOTION BY MR. STEVENS TO ACCEPT THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. BLANKS. MOTION CARRIED.

#### **FINAL AGENCY DECISIONS:**

Attorney McDarris removed himself as Attorney for the Board and presented the following cases. All parties had been properly noticed of this meeting and Mr. McIntyre, Attorney David Ferrell and Mr. Stephen Joseph Ciliberti were in attendance.

Case number 07 DOJ 1257 Timothy M. McIntyre vs. PPS Board. This case was heard by Senior Administrative Law Judge Fred G. Morrison, Jr. on November 8, 2007. Mr. McIntyre and Attorney Ferrell are present for this Final Agency Decision today.

The cases before Judge Morrison are Grievance cases 2005-PPS-73 and 2005-PPS-043 which were heard by the PPS Grievance Committee and were appealed by the petitioner.

Mr. McDarris gave the background for each case and advised the following Board Members had heard these cases and would not be allowed to participate in the Final Agency Decision; Mr. Allen and Mr. Grimes.

Mr. McIntyre and Attorney Ferrell both address the Board regarding these cases.

Regarding case number 2005-PPS-043 the Administrative Law Judge proposed the Board reconsider its initial decision to issue a Letter of Reprimand and in case number 2005-PPS-073 the Administrative Law Judge Proposed the Board reconsider its initial decision to have the Petitioner pay a \$2000.00 civil penalty for failing to provide services as agreed.

MOTION BY MR. BURRIS REGARDING CASE NUMBER 2005-PPS-043 THAT THE CASE BE DISMISSED FOR NO VIOLATION OF 74C. SECONDED BY MR. BLANKS. MOTION CARRIED.

MOTION BY MR. BURRIS REGARDING CASE NUMBER 2005-PPS-073, THAT AFTER A REVIEW OF THE ENTIRE RECORD FROM THE ADMINISTRATIVE LAW JUDGE THAT MR. MCINTYRE PAY A CIVIL PENALTY IN THE AMOUNT OF \$2000.00 IN LIEU OF REVOCATION OF HIS LICENSE. SECONDED BY MR. BLANKS. MOTION CARRIED.

Case Number 08 DOJ 0858 Stephen Joseph Ciliberti vs. PPS Board. This case was heard by Administrative Law Judge Beecher R. Gray on May 27, 2008. Mr. Ciliberti was present for this Final Agency Decision.

The case before Judge Gray was a request to transfer his Security Guard & Patrol License to a new company.

Mr. McDarris gave the background of the case. Mr. Ciliberti address the Board regarding this case.

The Administrative Law Judge recommends the Board reverse its initial decision to deny Petitioner's transfer to another company.

MOTION BY MR. DONALDSON TO ACCEPT THE RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE TO REVERSE THE PRIOR BOARD'S DECISION. THE REQUEST TO CHANGE COMPANIES IS APPROVED WITH A LETTER OF WARNING REGARDING THE DELAY IN REPORTING THE DISCHARGE INCIDENT TO PRIVATE PROTECTIVE SERVICES. SECONDED BY MR. ASHE. MOTION CARRIED.

Case number 07 DOJ 1071 Richard Junior Hopper vs. PPS Board. This case was heard by Administrative Law Judge Joe L. Webster on October 29, 2007. This case is the denial of Petitioner's application for Private Investigator License and Security Guard & Patrol License for lack of lack of experience and unfavorable employment history.

Mr. Hopper was properly notice of this hearing, however, he is not present. Mr. McDarris presented the facts of the case.

The recommendation of the Administrative Law Judge is the Board uphold it's initial decision to deny Petitioner's application for a Private Investigator license and Security Guard & Patrol License.

## MOTION BY MR. JOHNSON TO ACCEPT THE RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE AND THE DENIAL OF SAID LICENSE STAND. SECONDED BY MR. BOOTH. MOTION CARRIED.

Case number 08 DOJ 1264 David Alan Moore v. PPS Board. This case was heard before Administrative Law Judge Fred G. Morrison Jr. On June 24, 2008. This case is the denial of an unarmed guard registration application for lack of good moral character or temperate habits.

Mr. McDarris advised Mr. Moore waived the fifteen day notice of this hearing today and is not in attendance. Mr. McDarris presented the case for the Board.

The recommendation of the Administrative Law Judge is the Board uphold its initial decision to deny Petitioner's application for an unarmed guard registration permit.

## MOTION BY MR. STEVENS TO ACCEPT THE RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE AND THE DENIAL WILL STAND. SECONDED BY MR. BLANKS. MOTION CARRIED.

Mr. McDarris advised that concluded the Final Agency Decisions and returned as Counsel to the Board.

#### TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday August 14, 2008 from 2:05 p.m. until 3:35 p.m. The committee members were Mr. Stevens, Mr. Ashe, Mr. Johnson, Mr. Grimes, Mr. Booth and Mr. Allen.

Mr. Stevens requested Mr. Pressley present his report to the Board.

Mr. Pressley reported we have the following courses scheduled. These will be the last classed held for 2008.

September 22, 2008 Firearms Trainer Certification, NCJA October 2008 Firearms Trainer Re-certification, NCJA

The following PPS Trainer courses have been completed:

February 2008 Unarmed Guard Trainer, Wake Tech Community College (WTCC)

February 2008 Firearms Trainer Re-certification, North Carolina Justice Academy.

Summer 2008 Unarmed Guard Trainer, WTCC - fifteen invitations were sent out in order to have a full class. We had only eleven people to attend and four dropped out of the class, which does causes some concerns. Mr. Pressley advised he is reporting this since this happens quite often and we need to have full classes.

Mr. Stevens advised we have members from the Armored Car industry present. Mr. Stevens advised that the Armored Car industry had requested a separate training program from the unarmed requirements. Mr. Stevens asked a member of the armored car industry when they planned on presenting the information for consideration. Mr. Craig Colegrove advised that he would contact Mr. Mike Gambrill and have this information ready for the October meeting.

Mr. Johnson address the Board regarding Firearms Training. He advised we have companies sending people for training with only 100 rounds of ammunition which is not enough for any practice. That is just enough for them to qualify the first time for day and night firing.

Mr. Johnson is recommending that the following information be added to the Instructor Manual.

1. Practice - There *WILL BE NO LIVE FIRE CONDUCTED* until completion of the Safety block of instruction, the Handgun Operation and Maintenance block of instruction, and the classroom segments of the Marksmanship and Night Firing blocks of instruction. While conducting the Marksmanship Fundamentals and Night Fire blocks of instruction, students will fire a MINIMUM of 300 rounds for practice. Instructors may use various techniques for teaching basic fundamentals prior to qualification attempts. These may include single and multiple shot drills, one-handed shooting, ball and dummy exercises, reloading exercises, practice

with flashlights, and other practical techniques and drills. The decision on which to use should be based on the students' experience with firearms. Instructors will ensure that students live fire in order to practice firing from the draw, kneeling, prone and barricade positions. Students will fire both the day and night courses of fire for practice prior to qualification.

2. Qualification - Approved courses of fire must be utilized and documented. Practice scores *MAY NOT* be used for qualification scores. Students will need a minimum of 100 rounds of duty ammunition for qualification. After the completion of practice fire, students will have no more than three attempts per day to qualify on each the day and night courses of fire.

Mr. Pressley advised the reporting requirements for the Discharge of Firearms, 12 NCAC 07D.0112 will change to the following:

### 12 NCAC 07D .0112 REPORTING REQUIREMENTS FOR THE DISCHARGE OF FIREARMS

IF A LICENSEE OR REGISTRANT DISCHARGES A FIREARM WHILE ENGAGED IN THE PRIVATE PROTECTIVE SERVICES BUSINESS, THE LICENSEE SHALL NOTIFY THE BOARD EITHER IN PERSON OR BY TELEPHONE NO LATER THAN THE FIRST BUSINESS DAY FOLLOWING THE INCIDENT. THE LICENSEE SHALL ALSO FILE A WRITTEN REPORT TO THE BOARD WITHIN FIVE WORKING DAYS OF THE INCIDENT. IN THE REPORT, THE LICENSEE SHALL STATE THE NAME OF THE INDIVIDUAL WHO DISCHARGED THE FIREARM, THE TYPE OF WEAPON DISCHARGED, THE LOCATION OF THE INCIDENT, THE LAW ENFORCEMENT AGENCY INVESTIGATING THE INCIDENT, THE EVENTS LEADING TO THE DISCHARGE OF THE FIREARM, AND ANY BODILY INJURIES OCCURRING FROM THE INCIDENT. THIS RULE SHALL NOT BE CONSTRUED TO APPLY TO A WEAPON THAT IS DISCHARGED DURING A TRAINING COURSE THAT HAS BEEN APPROVED BY THE BOARD.

IF A LICENSEE OR REGISTRANT DISCHARGES A FIREARM WHILE ENGAGED IN THE PRIVATE PROTECTIVE SERVICES BUSINESS, THE DIRECTOR SHALL SUMMARILY SUSPEND THE FIREARMS PERMIT FOR TEN (10) DAYS, DURING WHICH TIME A COMMITTEE OF THE BOARD SHALL REVIEW THE FACTS TO DETERMINE IF THE DISCHARGE WAS JUSTIFIED. IF THE COMMITTEE FINDS THE DISCHARGE WAS JUSTIFIED, THE APPLICANT SHALL BE ALLOWED TO RETURN TO WORK. IF THE COMMITTEE FINDS THE DISCHARGE WAS NOT JUSTIFIED, THE COMMITTEE SHALL HAVE THE POWER TO TAKE ADMINISTRATIVE ACTION AGAINST THE INDIVIDUAL WHO DISCHARGED THE WEAPON, INCLUDING ISSUING AN ORDER TO SUMMARILY SUSPEND THE FIREARMS REGISTRATION PERMIT ACCORDING TO THE PROVISIONS OF G.S. 150B-3.

Mr. Stevens advised the purpose is to get the individual back to work as soon as possible.

Mr. Pressley advised the company could use the individual in an unarmed capacity during this time.

Mr. Pressley also advised the name "UNARMED TRAINER COURSE" will be changed to "GENERAL TRAINER COURSE". This is due to it being a fundamental trainer course.

Mr. Pressley advised James Sprunt Community College has conducted a training course which included our 16 hour unarmed guard course along with other training. This was a week long course which anyone may attend by contacting the college.

MOTION BY MR. BLANKS TO ACCEPT THE CHANGE REGARDING THE AMMUNITION EACH STUDENT MUST HAVE FOR TRAINING. SECONDED BYMR. JOHNSON. MOTION CARRIED.

MOTION BY MR. STEVENS TO ADOPT THE TITLE GENERAL TRAINING COURSE. ALSO CHANGE THE RULES AND REGULATIONS IN ALL SECTIONS OF THE RULES WHERE REQUIRED TO REFLECT THE CHANGE IN TITLE TO GENERAL TRAINING AND APPROVE THE WORKSHOP. SECONDED BYMR. GRIMES. MOTION CARRIED.

MOTION BY MR. BOOTH REGARDING THE RULE CHANGE FOR 12 NCAC 07D .0112 AS PRESENTED AND THE ATTORNEY TO FILE WITH OAH. SECONDED BYMR. BURRIS. MOTION CARRIED.

MOTION BY MR. BLANKS TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT. SECONDED BY MR. JOHNSON. MOTION CARRIED.

#### FINANCE COMMITTEE REPORT - NONE

#### SCREENING COMMITTEE - NONE

Mr. Wright addressed the issue from the last meeting, regarding a Private Investigator Associate not having to pay the license fee when changing sponsors. The question has now come up about a licensee changing from one company to another, which, currently they must also pay the licensee fee. Mr. Wright requested guidance from the Committee as to whether or not PPS should continue to charge the fee when licensees change companies if the licensee has a current license.

MOTION BY MR. ASHE TO NOT CHARGE A FEE FOR CHANGES OF SPONSORS OR CHANGE OF COMPANY UNTIL WE HAVE THE PROPER RULE CHANGE. SECONDED BYMR. BURRIS. MOTION CARRIED.

#### **COMPUTER FORENSICS COMMITTEE:**

Mr. Booth advised since the June meeting he had reworked the following regarding Computer Forensics:

DIGITAL FORENSIC EXAMINER'S LICENSE

74C-3 Private Protective services profession defined.

(A) (10) DIGITAL FORENSIC EXAMINER - ANY PERSON WHO, ON A CONTRACTUAL BASIS, ENGAGES IN THE PROFESSION OF OR ACCEPTS EMPLOYMENT TO CONDUCT

EXAMINATIONS OF DIGITALLY STORED DATA IN ORDER TO RECOVER, IMAGE, ANALYZE, OR EXAMINE SUCH DATA TO DETERMINE RESPONSIBILITY AND/OR RECONSTRUCT USAGE OF SUCH DATA. THESE PERSONS TYPICALLY ARE RETAINED TO SEARCH OUT FACTS CONTAINED IN DIGITALLY STORED DATA AND OPINE ON THEIR FINDINGS AND FREQUENTLY IMAGE AND ANALYZE DIGITAL STORAGE MEDIA THROUGH THE USE OF SPECIALIZED SOFTWARE. THEY OFTEN PROVIDE EVIDENCE FOR CRIMINAL AND CIVIL COURT PROCEEDINGS.

- (B) PRIVATE PROTECTIVE SERVICES SHALL NOT INCLUDE:
- (17) WITH REGARDS TO DIGITAL FORENSIC EXAMINERS PRIVATE PROTECTIVE SERVICES SHALL NOT INCLUDE ANY OF THE FOLLOWING:
  - (1) ACCOUNTANTS
  - (2) Persons employed to conduct network security operations up to the point of responsibility for network security violations
  - (3) Members of Network Security Compromise Response Teams
  - (4) PERSONS WHO ANALYZE COMPUTER OR DIGITAL STORAGE MEDIA FOR THE PURPOSE OF UPGRADING, MAINTAINING, OR REPAIRING SUCH SYSTEMS.
  - (5) Persons who utilities proprietary to the examined devise to recover data without the use of additional software (ex. cell phone call information)
  - (6) OTHER COMPUTER AND DIGITAL MEDIA TECHNICIANS WHO ARE NOT CONDUCTION IMAGING, ANALYSIS OR OTHER ACTIVITIES AS DESCRIBED IN SECTION (10)

#### 74C-21 LAW ENFORCEMENT OFFICER PROVISIONS

(A) ADD DIGITAL FORENSIC EXAMINER TO PRIVATE DETECTIVE AND SECURITY GUARD AND PATROL

Mr. Booth advised he understands the numbering may have to change, however, this will be addressed by the 74C Re-Write Committee.

MOTION BY MR. BOOTH THAT THE BOARD ACCEPT THE ABOVE RECOMMENDATION TO BE SENT TO THE RE-WRITE COMMITTEE WITH ANY MINOR CHANGES THAT NEED TO BE CORRECTED. SECONDED BY MR. BURRIS. MOTION CARRIED.

#### **OUT OF STATE CRIMINAL RECORD CHECKS:**

MR. DONALDSON ADVISED HE DID NOT HAVE A REPORT, HOWEVER, WITH THE INFORMATION REGARDING THE FINGERPRINT CHECKS TO BE DISCUSSED UNDER NEW BUSINESS MAY TAKE CARE OF THIS MATTER.

#### 74C RE-WRITE COMMITTEE:

Mr. Burris advised the committee met on Thursday, August 14, 2008 from 3:40 p.m. until 6:00 p.m.

Mr. Burris reported all of the comments received have been put into a rough draft form, which were discussed yesterday, along with other comments received. The plan is to have a good draft to present to the full board at the October meeting in order to have the final draft by December. The Legislature is back in January and we need to have this ready to go when they are back in session. It may also be a good idea for the board members to update their constituent list in order for contact to be made regarding this proposal.

Mr. Allen requested Mr. Wright to address the matter of the fingerprint card checks and fees.

Mr. Wright advised via discussions with the SBI and the Attorney General's Office that based on the current statute, PPS would be required to send all fingerprint cards for new and renewal applications to the SBI for a statewide as well as nationwide criminal records check. There will be a \$38.00 fee for each fingerprint card submitted to the SBI. The proposed effective date to begin this process is December 1, 2008. The following information was presented to the Board:

74C-8(c)(5) requires that all Fingerprints shall be submitted to the State Bureau of Investigation for a statewide and nationwide records check. The practice of PPSB/ASLB has been that the prints were sent to the SBI only if we received a "HIT" after running the criminal records checks. It has come to our attention through discussions with the SBI and Assistant Attorney General that this practice is no longer acceptable and PPS must send all fingerprints to the SBI. This would include the initial application as well as renewal of applications.

Therefore all applications received by PPSB/ASLB for a license, registration, certification must be accompanied by a fingerprint card. The card will be sent to the SBI for a statewide and nation wide check.

#### 74C-8(c)(5)

The Department of Justice may provide a criminal record check to the Private Protective Services Board for a person who has applied for a new or renewal license, registration, certification, or permit through the Private Protective Services Board. The Board **shall** provide to the Department of Justice, along with the request, the fingerprints of the applicant, any additional information required by the Department of Justice, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints **shall** be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of

Investigation for a national criminal history check. The Board shall keep all information pursuant to this subdivision privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

The Department of Justice may charge each applicant a fee for conducting the checks of criminal history records authorized by this subdivision.

After a lengthy discussion regarding this process, Mr. Allen requested this be brought back to the October Board meeting with a procedure for handling this matter.

12:05 Break

12:10 RECONVENED

Mr. Allen called the meeting back to order.

#### **OLD BUSINESS:**

Mr. Larry Flannery requested an update regarding the recovery of funds previously taken by the Governor.

Mr. Wright advised this issue was being followed up on by DOJ Financial Services.

#### **NEW BUSINESS:**

Mr. Allen requested the Board Meeting dates be set for 2009.

February 11,12 & 13, 2009 - Raleigh, NC

April 14,15 & 16, 2009 - Sea Trail, NC (This will be Tuesday, Wednesday and Thursday)

June 17,18 & 19, 2009 - Raleigh, NC

August 19,20 & 21, 2009 - Asheville, NC

October 14,15 & 16, 2009 - Raleigh, NC

December 9,10 & 11, 2009 - Raleigh, NC

### MOTION BY, MR. BOOTH TO ACCEPT THE BOARD MEETING DATES FOR 2009. SECONDED BYMR. BURRIS. MOTION CARRIED.

Mr. Pressley requested guidance regarding the registrations of employees for Armored Car companies that have a weapon with easy access by unarmed guards. These companies may have both armed and unarmed employees providing security in a vault. There are times when the armed guards will leave the area and only unarmed guards remain. When the armed guard leave the area there are weapons on racks that are easily accessible to the unarmed guards. Mr. Pressley was requesting the Board's position as to whether the unarmed guards should be armed.

It was the consensus of the Board the employee that is working in the vault must be armed. If the armed guards leave the area the weapon must be placed in a secured area.

Mr. Wright provided the Board with an update of the upcoming IASIR conference. The conference will be held November 5, 6 & 7, 2008 in Florida. At the June meeting Mr. Stevens, Mr. Blanks, Mr. Grimes and Mr. Booth were approved by the Board to attend the meeting. Mr. Stevens is unable to attend due to a conflict. Therefore, with Mr. Allen being the new Chairman of the Board it would be appropriate to send the Chairman to the conference.

### MOTION BY MR. STEVENS THAT MR. ALLEN ATTEND THIS CONFERENCE. SECONDED BY MR. BOOTH. MOTION CARRIED.

Mr. Burris suggested should circumstances come up that prevents someone from attending the conference that the Chairman be granted authority to appoint someone as an alternate.

# MOTION BY MR. BLANKS TO ALLOW THE CHAIRMAN TO APPOINT AN ALTERNATE IN CASE SOMEONE IS UNABLE TO ATTEND. SECONDED BY MR. BURRIS. MOTION CARRIED.

Mr. Wright requested approval for the contract for Mr. Jeff Gray. This is the same as last year at \$120.00 per hour and no more than \$9,000.00 per year.

### MOTION BY MR. BLANKS, TO APPROVE THE CONTRACT FOR MR. GRAY. SECONDED BY MR. GRIMES. MOTION CARRIED.

Mrs. Ruth Reynolds requested an update on the badge issue. It was reported that the issue was being worked on and that the PI Association, through Monty Clark was providing input.

#### **DIRECTOR'S REPORT:**

Mr. Wright presented his written report. The operating budget as of June 29, 2008 the balance is \$330,416.08. Mr. Wright next summarized the remaining items in his written report. Since the last board meeting we have a total of 11,812 registered employees, 1,614 total license issued, 591 certifications for a total of 14,017 PPS Licensees, Registrants and Certifications. Since the last board meeting we have processed 2,547 pieces of correspondence, there have been 3 change of sponsors, 1 new Firearms Trainer, 2 OC Spray Trainers and 4 Unarmed Guard Trainers. We had a total of 4,426 applications received since the last board meeting.

Mr. Booth stated based on the data listed there are only three armed private investigators in the state. Mr. Wright replied he feels this is because some of the private investigators may elect to use the same registration application as an armed guard and as such they are

not listed as armed private investigators in the data base.

### MOTION TO ACCEPT THE DIRECTOR'S REPORT BY MR. BLANKS. SECONDED BY MR. JOHNSON. MOTION CARRIED.

#### **ATTORNEY'S REPORT:**

Mr. McDarris presented his report as follows:

#### CONSENT AGREEMENTS & CIVIL PENALTIES:

- 1. Anthony Henderson of Global One Security Consent in the amount of \$4,998.00 for registration violations is to be paid in installments. He is current on his payments.
- 2. Odessa Kimber of Kimber Guard and Patrol Consent in the amount of \$5,773.20 was issued. The Board allowed her to make installment payments. She is current on her installment payments.
- 3. Eddie Henry with Highland Country Club Consent Agreement of \$2,978.40 has been issued.
- 4. Curt Escher Consent Agreement for \$1,428.00 has been issued.
- 5. Melvin Black Consent Agreement for \$3,060.00 has been issued.

#### OFFICE OF ADMINISTRATIVE HEARINGS:

This is attachment 1 to the report.

Mr. McDarris requested a motion and vote on rules 12 NCAC 7D .0901, .0906 and .0908 to be approved and sent to Rules Review. Mr. Booth requested under .0901 (7) the following be added after the word Commission "and complete the 8 hour PPS rules and regulation work shop".

MOTION BY MR. BURRIS TO ADD THE ABOVE AND SEND ALL THREE RULES .0901, .0906 AND .0908 TO RULES REVIEW. SECONDED BY MR. BOOTH. MOTION CARRIED.

Mr. McDarris requested a motion regarding 12 NCAC 7D .0707 Rule to allow interactive training be sent to the Office of Administrative Hearings.

MOTION BY MR. BOOTH TO SEND THE ABOVE RULE TO OAH FOR CONSIDERATION. SECONDED BY MR. BLANKS. MOTION CARRIED.

MOTION BY MR. BLANKS TO ACCEPT THE ATTORNEY'S REPORT AS PRESENTED. SECONDED BY MR. BURRIS.

Mr. Allen requested any other business that should be taken up at this time. Receiving none the following motion was made.

## MOTION TO ADJOURN BY MR. BOOTH. SECONDED BY MR. JOHNSON. MOTION CARRIED.

12:35 p.m. Adjourned

TERRY M. WRIGHT
DIRECTOR

Susan Harrison
Recorder